

### **DETAILED ACTION**

1. This Office Action is responsive to the communication filed on 07/15/2008.
2. Claims 1-2 are pending in the application. Claim 1 has been withdrawn from consideration.

### ***Claim Interpretation***

3. Claim 2, lines 3 & 4, recite 'adapted to.' MPEP § 2106 provides that language that suggests or makes optional but does not require steps to be performed does not limit the scope of a claim or claim limitation. It is suggested that 'adapted to' be amended to recite 'configured to.'

### ***Claim Objections***

4. Claim 2 is objected to because of the following informalities: Claim 2 recites "a speech/telephony platform which including methods for speech recognition." Appropriate correction is required. A system claim is presented that in addition claims "methods for speech recognition." A method claim should be rewritten as a series of steps separate from the system elements. Furthermore, "including" should be rewritten as "includes."

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Sieminski (USPN 20030093159)

7. As per claim 2, Sieminski teaches a system for communication with field equipment including an actuator, comprising:

a terminal – 100 ([0138] e.g. client is hosted via a personal computer and/or a wireless device) adapted to receive and output natural speech (e.g., user may interact with web-site with a telephone device having VXML);

a gateway – 102 ([FIG. 1], [0138] e.g., applicant's instant specification, page 3, discusses a gateway as a computer with at least first and a second software program. Sieminski teaches a web-page server in communication with the client, i.e., terminal, having web-pages written in VXML.) adapted to convert speech into requests in machine readable form (e.g., VXML enables receipt of user commands where such commands control an irrigation controller through the web-site), said gateway having a first program (e.g. applicant's instant specification, page 6 lines 10-20, describes a first program as including speech recognition, text to speech, and telephony functions. Here, a server is provided that includes VXML written web pages (e.g., speech recognition), the ability to receive user commands via a telephone (e.g., telephone functions), and text-to-speech functions (e.g., VXML functionality, supra W3C for VXML features), and a second software program (e.g., applicant's instant specification, page 6 lines 20-24 , describes a speech browser as a second program that is provided for interpretation of VXML documents. Here, a server provides for web pages written in VXML, i.e., interpretation of VXML documents, for use by a telephonic device having a VXML browser) loaded and executed

thereon, said first software program being a speech/telephony platform which including methods for speech recognition, for converting text to speech and telephony functions (e.g., VXML functions include speech recognition, text to speech conversion, and telephony functions, supra W3C for VXML functionality), and said second software program being a speech browser having methods for the interpretation of VXML documents (e.g., web pages written in VXML); a telecommunications network – 104 ([FIG 1]) interconnecting said gateway – 102 to said terminal- 100;

an application computer - 602 including a server process (e.g., irrigation server may include receiving user instruction\c-mails, i.e., process) and at least one field- equipment specific software program – ([0109] e.g., irrigation server generates command transmitted to irrigation controller, i.e., field specific software program is interpreted as an instruction for controlling an irrigation controller) loaded and executed thereon; said field equipment specific software controlling said actuator ([0004] e.g., irrigation controller provides for turning on and off individual VAC stations) in response to said requests in machine readable form; and

wherein said field equipment- 124 ([FIG 1] e.g., VAC stations, for example) is in communication with said application computer – (e.g., irrigation server sends commands to irrigation controller to control VAC stations, for example) and said application computer is in communication with said gateway ([FIG 1 – elements 602, 606,601])

### ***Response to Amendment***

8. The amendment, filed 07/15/2008, has been entered and made of record.

***Response to Arguments***

9. Applicant's arguments with respect to claim 2 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Voice eXtensible Markup Language (VoiceVXML) version 1.0, 05/05/2000

(<http://www.w3.org/TR/voicexml/#s1>)

\*6950728 – closest reference to applicant's reference

6947156

7222301

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20020166898

20030171926

20040019638

20040193330

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARRIN DUNN whose telephone number is (571)270-1645.

The examiner can normally be reached on EST:M-R(8:00-5:00) 9/5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DD  
10/21/08

/Albert DeCady/  
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Art Unit 2121